

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELESHA SOTO,
Plaintiff,

v.

CHILD PROTECTIVE SERVICES
DEPARTMENT, et al.,
Defendants.

Case No. 20-cv-6520-JCS

**ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE DISMISSED
FOR FAILURE TO PAY FILING FEE**

**ORDER SEALING COMPLAINT AND
REQUIRING REDACTION**

I. FILING FEE

Plaintiff Elesha Soto, pro se, filed this action but has not paid the filing fee. The Clerk issued a notice on September 18, 2020 requiring Soto to pay the filing fee or complete an application to proceed in forma pauperis “immediately.” Dkt. 3. Soto is ORDERED TO SHOW CAUSE why the case should not be dismissed for failure to pay the filing fee.

Under 28 U.S.C. § 1915, a court may waive the filing fee and allow a plaintiff to proceed in forma pauperis if the plaintiff “submits an affidavit that includes a statement of all assets [the plaintiff] possesses that the [plaintiff] is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). Instead of filing the Court’s form application to proceed in forma pauperis, Soto attached the following statement to her complaint:

Self employed as described over the past year business has taken a sudden drop within a weekend’s time of 80 percent in damages. Then a us state wide mandatory mandate shutdown for all salons in the state of utah was ordered dropping my business to zero dollars. Several months I was without any moneys applying for unemployment was very difficult and time consuming after three plus months i received the unemployment back pay to live off of and hold the doors open at self employment establishment which again has dropped to zero again with covid 19 and unemployment checks stopped and ongoing disputing its unclear financially. I’m not in a position to afford legal matters I’m entitled to defend myself and my family without going broke or draining all my assets. As it stands the current opposition is staged for failure and I’m not accepting to allow the legal process to drain all my assets and my rights to a fair defence.

My financial employment income has suffered and is not reliable. I'm requesting all court fees be waived.

See dkt. 1-1 at 7.

Although Soto's statement asserts that she has lost income, it is not a signed affidavit or declaration as required by § 1915, it does not address whether Soto has *assets* sufficient to pay the filing fee as required by that statute, and it is not an administrative motion to proceed in forma pauperis using the "form available at the Office of the Clerk and on the Court's website, or an equivalent form" as required by Civil Local Rule 3-10(b). If Soto wishes to be excused from paying the filing fee, she must file the attached application form.¹

Soto is ORDERED TO SHOW CAUSE why the case should not be dismissed for failure to pay the filing fee. No later than October 19, 2020, Soto must either: (1) pay the filing fee; or (2) file an application to proceed in forma pauperis using the Court's form.²

II. NAMES OF MINORS

Soto's complaint includes the names and dates of birth of two minor children, whose initials are D.G. III and P.J.G. Under Rule 5.2(a) of the Federal Rules of Civil Procedure, public filings in a civil action in federal court must refer to minors only by their initials, and may include only the year of any individual's date of birth. The complaint is therefore SEALED sua sponte. To complete the public record of this action, Soto is ORDERED to file a corrected version of her complaint, either omitting or redacting the full names and dates of birth of the minors, no later than October 19, 2020. Soto must comply with Rule 5.2 in all future public filings in this action.

III. PRO SE HELP DESK

Soto, who is not represented by counsel, is encouraged to contact the Federal Pro Bono Project's Pro Se Help Desk for assistance as she continues to pursue this case. Lawyers at the Help Desk can provide basic assistance to parties representing themselves but cannot provide legal

¹ The Court recognizes that the application form calls for personal financial information only tangentially related to the merits of the case. If Soto does not wish for such information to be filed in the public record, she may file an administrative motion to file her application under seal pursuant to Civil Local Rule 79-5.

² If Soto files an application to proceed in forma pauperis and the Court waives the filing fee, the Court will then review the sufficiency of her complaint under 28 U.S.C. § 1915(e)(2)(B) to determine whether to order service of process on Defendants.

1 representation. Although in-person appointments are not currently available due to the COVID-19
2 public health emergency, Soto may contact the Help Desk at (415) 782-8982 or FedPro@sfbar.org
3 to schedule a telephonic appointment

4 **IT IS SO ORDERED.**

5 Dated: September 21, 2020



JOSEPH C. SPERO
Chief Magistrate Judge